

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re)
DONIA HICKERSON,) **Chapter 7**
 Debtor)
) **Case No. 10-47770**
and)
MIDWEST ACCEPTANCE CORP.)
 Creditor.)
)
)
)
)

CREDITOR'S MOTION TO REOPEN CASE TO SEEK DECLARATORY JUDGMENT

Comes now Creditor, Midwest Acceptance Corp. who moves the Court for leave to reopen this case to seek declaratory judgment. In support of this motion Creditor states:

1. Debtor filed Chapter 7 Bankruptcy on July 12, 2010 and entered into a contract with this Creditor on July 30, 2010.
2. Creditor filed suit on January 23, 2012 against Debtor on that contract and judgement was entered in cause number 12sl-ac02939.
3. On March 14, 2012 Debtor sought leave to reopen her Chapter 7 to add Creditors.
4. On March 20, 2012 leave was granted.
5. The Court's order stated that prepetition debts of the newly added Creditors would be subject to discharge.
6. On September 21, 2012 Debtor filed a motion to quash garnishment claiming that this debt had been discharged.
7. That the Debtor by counsel admitted at the state court hearing that this was a postpetition debt.
8. That the Judge stated that since neither the discharge nor this Court's March 20, 2012 order specifically stated that this postpetition debt was not subject to discharge she believed that it was discharged and granted the motion to quash.

9. That the Judge further stated that without an order of this Court she would not set aside her order.

10. That this effectively denies this Creditor its right to collect this postpetition debt.

11. That simultaneously with the filing of this motion, Creditor tenders the filing fee of \$ 260.00 to reopen case.

Wherefore, for good cause shown, this Creditor requests the Court grant the motion to reopen this case.

Van Dillen and Flood, P.C.

By: /S/ Patricia Ann Flood

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Certification of Service

Copy of the above served electronically or if not deliverable by ECF then mailed postage prepaid this 29th day of October 2012 to:

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/s/Patricia Ann Flood